

## **REMARKS/ARGUMENT**

### Description of Amendments

In this Amendment, Applicants cancel pending claims 19-33 and add new claims 34-51. Upon entry of this Amendment, claims 34-51 will be pending.

### Rejection under 35 U.S.C. §112

The cancellation of claims 19-33 renders moot their rejection under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention.

### Rejections under 35 U.S.C. §102 and §103

Claims 19-24 and 26-33 were rejected under 35 U.S.C. §102(b) as being anticipated by Brady (U.S. Patent No. 6,129,733). Claim 25 was rejected under 35 U.S.C. §103(a) as being unpatentable over Brady in view of Buboltz (U.S. Patent No. 5,171,241). The cancellation of claims 19-33 renders moot their rejections under 35 U.S.C. §102 and §103.

### Patentability of New Claims 34-51

New claims 34-51 are patentable over the cited art because the cited art does not disclose several limitations of the claimed invention.

For example, independent claim 34 recites a lens holder that includes “an elastic backing support.” The cited art does not disclose an elastic backing support. Indeed, the cited art does not disclose a lens holder that has any elastic part. For another example, claim 34 recites that the “the elastic backing support is a relaxed state when the lens holder is in the open position, and [] is elastically deformed when the lens holder is in the closed position.” The hinge (116) of Brady cannot be an elastic backing support of the claimed invention, because the hinge is not elastic or flexible.

Therefore, since the cited art does not disclose at least the above-discussed features of the claimed invention, the new claims are patentable over the cited art.

Application No. 10/590,950  
Amendment dated May 6, 2009  
Reply to Office action of November 25, 2008

In light of the foregoing remarks, this application is considered to be in condition for allowance, and early passage of this case to issue is respectfully requested. If necessary to effect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to effect a timely response, and please charge any deficiency in fees or credit any overpayments to Deposit Account No. 07-1850.

Respectfully submitted,

Date: May 6, 2009

/Song Zhu, Reg. No. 44,420/

---

Squire, Sanders & Dempsey L.L.P.  
One Maritime Plaza  
Suite 300  
San Francisco, CA 94111  
Facsimile (415) 393-9887  
Telephone (415) 954-0241  
[szhu@ssd.com](mailto:szhu@ssd.com)

---

Song Zhu, Ph.D.  
Attorney for Applicant  
Reg. No. 44,420